

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE L. PADILLA,

Plaintiff,

vs.

No. CIV 09-0971 JB/RLP

CITY OF ALBUQUERQUE and
MARCOS HOLLOWAY, in his official
and individual capacities,

Defendants.

FINAL JUDGMENT

THIS MATTER comes before the Court on Plaintiff Jose L. Padilla's Motion for Voluntary Dismissal of Section 1983 Claim, filed November 30, 2009 (Doc 12). The Court, having granted Padilla's motion to dismiss his § 1983 claim without prejudice, finds that there remain no federal claims over which the Court has original jurisdiction. The decision to exercise supplemental jurisdiction is, however, within the Court's discretion. See 28 U.S.C. § 1367(c) ("The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if . . . (3) the district court has dismissed all claims over which it has original jurisdiction"). Exercising that discretion, the Court remands the remaining claims and the case to the Second Judicial District Court for the State of New Mexico, County of Bernalillo -- the state court from which they were removed.

IT IS ORDERED that this case, and all claims remaining therein, are remanded to the Second Judicial District Court, County of Bernalillo, State of New Mexico.


UNITED STATES DISTRICT JUDGE

Counsel:

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